

**Remarks**

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1-40, 45, 49, 50 and 54 have been amended. Claims 41-44 has been canceled. No claims have been added. Thus, claims 1-40 and 45-56 are pending.

**DRAWINGS**

Formal drawings are submitted herewith. Proper formatting of the figures required renumbering of the figures, which required amendments to the specification as set forth above. No new matter has been added.

**CLAIM REJECTIONS - 35 U.S.C. §**

the history correlator does not maintain a history of correlation between a received stream with a pseudo-noise sequence. Therefore, no combination of *Vancraeynest* and *Cui* can teach or suggest the invention as claimed in claim 1.

Claim 10 depends from claim 1. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claim 10 is not rendered obvious by *Vancraeynest* and *Cui* for at least the reasons set forth above.

CLAIM REJECTIONS - 35 U.S.C. § 103(a) - Claims 2-4, 6, 8, 11, 12, 15, 23, 25, 27, 29, 33, 35, 37, 38, 40-44, 46, 47 and 54

Claims 2-4, 6, 8, 11, 12, 15, 23, 25, 27, 29, 33, 35, 37, 38, 40-44, 46, 47 and 54 were rejected as being unpatentable over *Vancraeynest* in view of *Cui* in further view of U.S. Patent No. 5,373,140 issued to Bustamante, et al. (hereinafter “*Bustamante*”). Claims 42-44 have been canceled. Therefore, the rejection of claims 42-44 is moot.

Claims 2-4, 6, 8, 11, 12, 15, 23, 25, 27, 29, 33, 35, 37, 38 and 40 depend, directly or indirectly, from claim 1. As discussed above, no combination of *Vancraeynest* and *Cui* teaches or suggests the invention as claimed in claim 1. *Bustamante* is not cited to teach, nor does *Bustamante* teach or suggest maintain a history of correlation between a received stream with a pseudo-noise sequence. Therefore, *Bustamante* does not cure the deficiencies of *Vancraeynest* and *Cui*. Accordingly, no combination of *Vancraeynest*, *Cui* and *Bustamante* can teach or suggest the invention as claimed in claims 2-4, 6, 8, 11, 12, 15, 23, 25, 27, 29, 33, 35, 37, 38 and 40.

CLAIM REJECTIONS - 35 U.S.C. § 103(a) - Claims 5, 7, 9, 12, 14, 16-18, 20-22, 24, 26, 28, 30-32, 34, 36, 39, 48, 50 and 52

Claims 5, 7, 9, 12, 14, 16-18, 20-22, 24, 26, 28, 30-32, 34, 36, 39, 48, 50 and 52 were rejected as being unpatentable over *Vancraeynest* in view of *Cui* and *Bustamante* in further view of U.S. Patent No. 5,768,306 issued to Sawahashi, et al. (hereinafter "Sawahasi").

Claims 48 has been amended to depend from claim 45 and claims 50 and 52 have been amended to depend from claim 49. Claims 45 and 49 have been amended to include allowable subject matter. Accordingly, Applicants submit that claims 48, 50 and 52 are in condition for allowance.

Claims 5, 7, 9, 12, 14, 16-18, 20-22, 24, 26, 28, 30-32, 34, 36 and 39 depend, directly or indirectly, from claim 1. As discussed above, no combination of *Vancraeynest* and *Cui* teaches or suggests the invention as claimed in claim 1. Further, neither *Bustamante* nor *Sawahasi* are not cited to teach, nor do *Bustamante* or *Sawahasi* teach or suggest maintain a history of correlation between a received stream with a pseudo-noise sequence. Therefore, no combination of *Bustamate* and *Sawahasi* can cure the deficiencies of *Vancraeynest* and *Cui*. Accordingly, no combination of *Vancraeynest*, *Cui*, *Bustamante* and *Sawahasi* can teach or suggest the invention as claimed in claims 5, 7, 9, 12, 14, 16-18, 20-22, 24, 26, 28, 30-32, 34, 36 and 39.

ALLOWABLE SUBJECT MATTER

Claims 45, 49 and 51 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and intervening claims. Claims 45 and 49 have been rewritten in independent form including the limitations of the base claim (41) and any intervening claims. Claim 51 depends from claim 49. Applicants submit that claims 45 and 49 as amended and claim 51 are in condition for allowance.

Claims 55 and 56 were allowed over the prior art of record.

#### CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-40 and 45-56 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

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#### Attachments

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